IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 79297-M of 2006

DATE OF DECISION : 19.02.2007

Karnail Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. N.S. Sodhi, Advocate, for the petitioner.
Mr. N.S. Gill, AAG, Punjab.

Petitioner Karnail Singh, apprehending his arrest in a non-bailable offence in case FIR No. 122 dated 18.11.2006 under Section 420 IPC, registered at Police Station Lohian, District Jalandhar, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail

On December 18, 2006, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 9.12.2006, passed by Additional Sessions Judge, Jalandhar, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that the aforesaid FIR has been registered on the complaint made by Smt. Balbir Kaur to the effect that she was defrauded by her brother-in-law Jit Singh and petitioner Karnail Singh, who is nephew of her husband. It has been alleged that the sale deed was got executed from her without payment of sale consideration. Counsel for the petitioner, while referring to the copy of plaint (Annexure P-3),

contends that the complainant has already filed a civil suit in this regard challenging the sale deed, which is pending, in which the petitioner has already put in appearance.

Counsel for the petitioner further states that in terms of the interim order dated December 18, 2006, the petitioner has joined the investigation. The State counsel, after having instructions from Sarabjit Singh ASI, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated December 18, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 19, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**